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ASSISTANT SECRETARY OF THE ARMY
INSTALLATIONS, ENERGY AND ENVIRONMENT
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WASHINGTON DC 20310-0110

SAIE-ZA

JUL 26 2019

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Strategic Agenda for Army National Historic Preservation Act (NHPA) Improvement

1. The Army's mission is to defend those things most prized by all nations: Our people, our land, and our resources. Resources worth defending are worth protecting, and by protecting historic resources, the Army safeguards our nation's heritage and supports its national defense mission.
2. The Army protects historic resources through compliance with the National Historic Preservation Act (NHPA). The NHPA does not mandate preservation of such resources but requires the Army and other Federal agencies assume responsibility for and consider the impact of their actions on historic properties. This requirement is met through compliance with Section 106 of the NHPA.
3. Considering that the Army has the largest inventory of NHPA historic properties in the Department of Defense, and owns the largest inventory of historic buildings in the Federal government, the Army has a tremendous stewardship obligation and must continually improve its processes in order to achieve more efficient and effective NHPA compliance. Therefore, I am establishing the following strategic agenda for Army NHPA improvement:
 - a. Appropriately align Army NHPA leadership roles and responsibilities, and assign necessary authorities for implementation;
 - b. Enhance leadership oversight and engagement in critical NHPA and historic preservation related issues;
 - c. Pursue programmatic Army-wide NHPA compliance solutions with the Advisory Council on Historic Preservation (ACHP) for Army historic properties; and
 - d. Ensure effective NHPA compliance through increased awareness and knowledge among Army Commanders.
4. I have appropriately aligned Army NHPA leadership roles and responsibilities, and have assigned necessary authorities to improve our effectiveness. As the Department of the Army Senior Policy Official for historic preservation, I will lead and oversee the Army's NHPA program. As the Department of the Army Federal Preservation Officer, Dr. David Guldenzopf has Army-wide NHPA authorities, will lead implementation of the Army NHPA process improvement strategy, and engage in other significant Army NHPA actions.

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5. While the Army Federal Preservation Officer addresses all historic properties as defined in the NHPA, I have directed Dr. Guldenzopf to engage Army and Residential Communities Initiative (RCI) historic housing. He will pursue a programmatic Army-wide NHPA compliance solution with the ACHP to achieve efficiencies in historic housing NHPA compliance. Additionally, I have directed Dr. Guldenzopf to engage in NHPA compliance planning for the Joint Base Myer - Henderson Hall area development plan considering the significance of the housing on those installations.

6. To ensure effective NHPA compliance, Commanders and their staffs must make certain that they have appropriate training and awareness of NHPA requirements, authorities, and other key aspects of the NHPA including:

a. NHPA Section 106: The NHPA directs Federal agencies to consider the effect of their proposed actions on historic properties through use of the NHPA Section 106 consultative process. The NHPA charges the ACHP with administration of the Section 106 process. The ACHP's implementing regulations for the Section 106 process, 36 CFR Part 800 *Protection of Historic Properties*, structure the process through which the Army must take into account the effects of our undertakings on historic properties and afford the ACHP the opportunity to comment. This process requires the Army identify, evaluate, and assess the effects of our undertakings on historic properties in consultation with State Historic Preservation Offices (SHPO), Federally-recognized Indian Tribes, Native Hawaiian Organizations, other stakeholders, and the public. NHPA Section 106 and its implementing regulation are procedural and do not mandate or require the preservation of historic properties.

b. NHPA Authorities: The SHPO's role is to consult with the Army and provide their views on the Army's proposed course of action, including their views on measures to mitigate adverse effects to historic properties. The NHPA does not give the SHPO or the ACHP approval or veto authority over Army proposed actions that may adversely affect historic properties.

c. Adverse Effect and Termination of Consultation: Commanders must diligently exercise the consultation procedures in 36 CFR 800 especially in instances where a proposed action will have an adverse effect on historic properties. Where agreement cannot be reached with the SHPO or the ACHP on mitigation of an adverse effect, the Army may terminate consultation and proceed with the adverse effect action. If a Commander believes termination of consultation is appropriate, the Federal Preservation Officer will be contacted through the chain of command to assist in the process. The termination process requires that the Secretary of the Army take the ACHP's comments into account in reaching a final decision on the action. The NHPA requires the Secretary of the Army document this decision and may not delegate this responsibility.

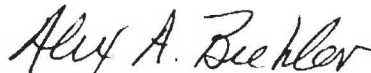
d. Emergency Actions: The fact that a building is a historic property is not a reason to delay the implementation of emergency actions to address immediate threats to life, health, and safety, even if the emergency action may adversely affect a historic property.

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Improvement

The Army's RCI NHPA Programmatic Agreements (PA) contain a provision for emergency actions. Commanders should adopt an assertive approach in applying the emergency provision to historic properties for actions to mitigate immediate risks to life, health, and safety. Where an RCI PA is not in effect or does not include an emergency provision, 'emergency' is defined in 36 CFR 800.12 to include immediate threats to life or property, and that section should be similarly applied.

7. The point of contact for this action is Dr. David Guldenzopf, Department of the Army Federal Preservation Office, (571) 256-7822, email: david.b.guldenzopf.civ@mail.mil.



Alex A. Beehler

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